THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 14182 of 1996

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DATED: 04-01-2006

D.V.Ramanamurthy.

..... PETITIONER

AND

The Collector,
Kakinada & another.

.....RESPONDENTS

ORDER:

This petition is filed seeking a direction to the respondents to refer his case to Civil Court for determination of the compensation payable to him under Section 18 of the Land Acquisition Act (the Act).

2. The case of the petitioner whose lands were acquired under the provisions of the Act is that as he was not served with a copy of the award, he had no knowledge about the passing of the award and that immediately after coming to know about the passing of the award he filed an application before the second respondent to refer the case to civil Court but respondents are not taking any action thereon.

3. In his counter affidavit the second respondent alleged that land of several others, apart from that of the petitioner, were acquired and after award enquiring an award was passed and notice under Section 12(2) of the Act was served on all the persons whose lands were acquired and notice sent to the petitioner was received by Devarapalli Ramarao, major son of the petitioner on

22-06-1995, as the petitioner was not available for service, and since this petition is filed on 16-11-1995, beyond the time prescribed, petitioner is not entitled to any relief.

4. Petitioner did not file a reply affidavit disputing the allegations in the counter affidavit filed by the second respondent that notice under Section 12 (2) of the Act was served on his major son. So it has to be taken that notice under Section 12 (2) of the Act was served on the adult son of the petitioner on 22-06-1995.

5. As per Section 45 (3) of the Act notice can be served on the adult male member of the family residing with the noticee, if the noticee is not found. So service of notice on the major son of the petitioner amounts to notice to the petitioner. Since the petitioner did not file a claim within two months from the date of service of notice as contemplated, respondents not referring the case to the civil Court under Section 18 of the Act cannot be said to be improper and so, I find no merits in the petition.

6. Hence, the Writ Petition is dismissed. No order as to costs.

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(C.Y.SOMAYAJULU,J)

4th January, 2006

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